

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 18-35 are pending in this application. Claims 18-34 are amended, and Claim 35 is added by the present amendment.

In the outstanding Office Action, dated March 26, 2009, Claims 18, 19, and 27 were rejected under 35 U.S.C. § 102(e) as anticipated by West et al. (U.S. Patent No. 6,974,229, hereinafter “West”); Claims 20-22, 26, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Golle et al. (U.S. Publication 2004/0114349, hereinafter “Golle”); Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Tai (U.S. Patent No. 5,854,872, hereinafter “Tai”); Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Macher et al. (U.S. Patent No. 6,641,276, hereinafter “Macher”); Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over West; Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Central Glass (JP 05-330381, hereinafter “Central Glass”); Claims 29, 30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Suman (U.S. Patent No. 5,223,814, hereinafter “Suman”); Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Suman and Anderson, Jr. et al. (U.S. Patent No. 6,464,381, hereinafter “Anderson, Jr.”); and Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over West in view of Sloane et al. (U.S. Patent No. 6,969,179, hereinafter “Sloane”).

Applicants acknowledge with appreciation the courtesy of an interview with Examiner Payne on April 23, 2009. During the interview, differences between the claimed

invention and the references in the Office Action were discussed. Comments and claim amendments discussed during the interview are reiterated below.

Applicants respectfully traverse the rejection of Claims 18, 19, and 27 under 35 U.S.C. § 102(e) as anticipated by West, with regard to amended Claim 18.

Amended Claim 18 is directed to a flat luminous element including, in part, at least one substrate and one coating arranged on a surface of the substrate. The coating includes a plurality of electroluminescent elements and at least one separate electroluminescent element. The flat luminous element also includes a flat optical device configured to concentrate light emitted by the at least one separate electroluminescent element into a tapered light beam.

Turning now to the applied reference, West describes “techniques for creating predetermined brightness profiles in applications such as backlights for liquid crystal displays and illumination.”¹ West describes the use of side emitting LEDs 36 that emit light in regions 46.² Regions 46 of West do not include a tapered beam.³ Accordingly, Applicants respectfully submit that West fails to describe or render obvious “a flat optical device configured to concentrate the light emitted by the at least one separate electroluminescent element into a tapered light beam,” as recited in Claim 18.

LEDs 36 of West emit light and are not elements of a coating that includes electroluminescent elements. Thus, Applicants respectfully submit that West also does not describe or render obvious “one coating arranged on a surface of the substrate and configured to emit at least one light,” as recited in Claim 18.

¹ See West at column 1, lines 7-9.

² See West at column 4, lines 34-35 and Figure 6.

³ See West at Figure 6.

Accordingly, it is respectfully submitted that independent Claim 18 and claims dependent thereon patentably define over West. Thus, Applicants respectfully request that the rejection of Claims 18, 19, and 27 under 35 U.S.C. § 102(e) as anticipated by West be withdrawn.

Additionally, Applicants respectfully traverse the rejections of Claims 20-26 and 28-34 under 35 U.S.C. § 103(a) as unpatentable over West, Golle, Tai, Macher, Central Glass, Suman, Anderson, Jr., and/or Sloane. Claims 20-26 and 28-31 depend from Claim 18, which is believed to be patentable for at least the reasons discussed above. Amended Claims 32-34 are also believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that Golle, Tai, Macher, West, Central Glass, Suman, Anderson, Jr., and Sloane fail to teach or suggest the claimed features lacking in the disclosure of West.

Accordingly, Applicants respectfully request the rejections of Claims 20-26 and 28-34 as unpatentable over Golle, Tai, Macher, West, Central Glass, Suman, Anderson, Jr., and Sloane also be withdrawn.

Claim 35 is added and finds support in the disclosure as originally filed, for example, at page 4, lines 16-34; page 6, lines 37-38; page 7, lines 1-5; and page 7, lines 25-35 of the specification, and in Figures 1 and 2. Therefore, no new matter is added. Applicants respectfully submit that the cited references also fail to disclose new Claim 35 because the cited references do not describe a coating emitting light with a second power that is greater than emitted light with a first power.

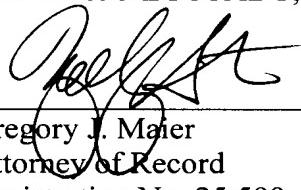
Therefore, Applicants respectfully submit that Claims 18, 32, 33, and 34 and claims depending therefrom, are allowable.

Application Serial No. 10/567,441
Reply to Office Action of March 26, 2009

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

Zachary S. Stern
Registration No. 54,719